

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 20, 2003. In order to advance prosecution of this Application, Claims 1, 3, 7, 8, 10, 11, 13, 28, and 38 have been amended. Applicant respectfully requests reconsideration and favorable action in this case.

Claims 3 and 8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 3 and 8 have been amended to address matters raised by the Examiner. Therefore, Applicant respectfully submits that Claims 3 and 8 are in accordance with 35 U.S.C. §112, second paragraph.

The Examiner has stated that the Information Disclosure Statement filed January 3, 2001 failed to comply with the provisions of 37 C.F.R. §§1.97 and 1.98 and M.P.E.P. §609 as it did not enclose the relevant documents. Applicant respectfully submits that copies of all 73 documents cited on Form PTO-1449 were included in the Information Disclosure Statement of January 3, 2001. Attached herewith is the filing postcard and the Certificate of Mailing showing that copies of the cited documents were included. Applicant respectfully requests the Examiner to indicate that these cited documents were considered during examination of the present Application. Applicant is ready to resubmit copies of all 73 cited documents of the Information Disclosure Statement of January 3, 2001 upon indication from the Examiner that the copies originally filed have not been located within the U.S. Patent and Trademark office.

Claims 7, 10, and 11 stand objected to for minor informalities. Claims 7, 10, and 11 have been amended to address the informalities identified by the Examiner.

Claims 1-4, 13-16, 28-31, and 38-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Focsaneanu, et al. in view of Chao, et al. Independent Claims 1, 13, 28, and

38 recite in general that the associated broadband networks providing data packets can be any of digital subscriber line, cable, or wireless platforms. By contrast, the Examiner readily admits that none of the cited documents disclose the types of broadband networks provided in the claims. Therefore, Applicant respectfully submits that Claims 1-4, 13-16, 28-31, and 38-41 are patentably distinct from the proposed Focsaneanu, et al. - Chao, et al. combination.

Claims 5-7, 17-19, 32, 33, 42, and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Focsaneanu, et al. in view of Chao, et al. and further in view of Hortenslus, et al. Independent Claim 1, from which Claims 5-7 depend; Independent Claim 13, from which Claims 17-19 depend; Independent Claim 28, from which Claims 32 and 33 depend; and Independent Claim 38, from which Claims 42 and 43 depend, have been shown above to be patentably distinct from the proposed Focsaneanu, et al. - Chao, et al. combination. Moreover, the Hortenslus, et al. application does not include any additional disclosure combinable with the Focsaneanu, et al. or Chao, et al. patents that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 5-7, 17-19, 32, 33, 42, and 43 are patentably distinct from the proposed Focsaneanu, et al. - Chao, et al. - Hortenslus, et al. combination.

Claims 8, 10, 12, 20, 22, 24, 34, 35, 37, 44, 45, and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Focsaneanu, et al. in view of Chao, et al. and further in view of Pounds, et al. Independent Claim 1, from which Claims 8, 10, and 12 depend; Independent Claim 13, from which Claims 20, 22, and 24 depend; Independent Claim 28, from which Claims 34, 35, and 37 depend; and Independent Claim 38, from which Claims 44, 45, and 47 depend, have been shown above to be patentably distinct from the proposed Focsaneanu, et al. -

Chao, et al. combination. Moreover, the Pounds, et al. application does not include any additional disclosure combinable with the Focsaneanu, et al. or Chao, et al. patents that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 8, 10, 12, 20, 22, 24, 34, 35, 37, 44, 45, and 47 are patentably distinct from the proposed Focsaneanu, et al. - Chao, et al. - Pounds, et al. combination.

Claims 11, 23, 36, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Focsaneanu, et al. in view of Chao, et al. and further in view of Lyles, et al. Independent Claim 1, from which Claim 11 depends; Independent Claim 13, from which Claim 23 depends; Independent Claim 28, from which Claim 36 depends; and Independent Claim 38, from which Claim 46 depends, have been shown above to be patentably distinct from the proposed Focsaneanu, et al. - Chao, et al. combination. Moreover, the Lyles, et al. application does not include any additional disclosure combinable with the Focsaneanu, et al. or Chao, et al. patents that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 11, 23, 36, and 46 are patentably distinct from the proposed Focsaneanu, et al. - Chao, et al. - Lyles, et al. combination.

Applicant notes with appreciation the allowability of Claims 9, 21, and 25-27 if placed into appropriate independent form. Applicant respectfully defers placing Claims 9, 21, and 25-27 into independent form pending reconsideration and final disposition of the existing independent claims.

The Examiner checked a box on the Office Action Summary indicating that there were objections to the drawings. However, the Examiner did not provide any specifics as to why the drawings were objected to. Applicant respectfully

requests the Examiner to specifically point out any errors in the drawings.

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-47.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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